REMARKS

Applicants respectfully request further examination and reconsideration in view of the above amendments and arguments set forth fully below. Claims 1, 4 and 6-31 were previously pending in the instant application. Within the previous Office Action, Claims 1, 4 and 6-31 have been rejected. By way of the above amendments, new Claims 32-35 have been added. Accordingly, Claims 1, 4 and 6-35 are now pending in this application.

Rejections Under 35 U.S.C. § 103(a)

Within the previous Office Action, Claims 1, 4, 6 and 12-31 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,754,636 to Walker (hereinafter "Walker 636") which incorporates U.S. Patent No. 5,794,207 to Walker (hereinafter "Walker 207") in view of U.S. Patent No. 6,332,129 to Walker (hereinafter "Walker 129"). Specifically, it is stated within the previous Office Action that Walker 636 teaches allowing third parties to take action to close a deal pending between a buyer and a seller. Applicants respectfully disagree.

Walker 636, Walker 207 and their combination teach a purchasing system and method wherein a buyer takes possession of a product at a retailer. The purchasing system communicates with a buyer through a communication network to establish a first price for a product between the buyer and a seller. The buyer provides a payment, based on the first price, to the purchasing system in exchange for the right to take possession of the product at the retailer. [Walker 636, Abstract] Furthermore, Walker 636 teaches that the purchasing system compares an offer price, a settlement price and in some instances a supplemental price to determine if a deal is made. [Walker 636, col. 8, lines 4-17] Walker 636 teaches that supplemental price information includes subsidies by other parties such as a manufacturer, a retailer or another party. [Walker 636, col. 8, lines 17-19] The subsidy is not only a dollar amount but it can be contingent on an action of the buyer such as signing up for a credit card. [Walker 636, col. 8, lines 19-30] The subsidy taught by Walker 636 is set up before any part of the transaction takes place between the buyer and the retailer. While Walker 636 teaches subsidies being provided by a third party, it teaches a fixed set of rules implemented by a purchasing system device that completes the transaction. [Walker 636, col. 5, line 19] A purchasing system device, as taught by Walker 636, is fully automated and does not allow for real-time human intervention.

As recognized within the Office Action, Walker 636, Walker 207 and their combination do not teach enabling the third party to dynamically facilitate consummation of the transaction between the first and second parties by transmitting a counteroffer or an acceptance from the third party via the wide area network after receiving the first bid price and the first ask price. Walker 129 appears to be cited for this purpose.

Walker 129 teaches a method and system for utilizing a psycho graphic questionnaire in a buyer-driven commerce system. Walker 129 teaches using agency-based sellers or broadcast-based sellers in a conditional purchase offer (CPO) management system. [Walker 129, col. 4, lines 33-39]. Walker 129 also teaches a process for receiving a CPO from a buyer, providing a questionnaire for the buyer and evaluating the CPO against preset rules for the seller. [Walker 129, col. 8, lines 56-62]. Walker 129 does not teach or suggest enabling the third party to dynamically facilitate consummation of the pending transaction between the first and second parties by transmitting a counteroffer from the third party via the wide area network, after receiving the bid price and the ask price, wherein the wide area network is configured to allow any interested entity to participate in the transaction as the third party. Further, Walker 129 does not teach selectively providing information relating to a plurality of bids on a transaction site to a third party.

The combination of Walker 636, Walker 207 and Walker 129 does not teach enabling the third party to dynamically facilitate consummation of the transaction between the first and second parties by transmitting a counteroffer from the third party via the wide area network, after receiving the bid price and the ask price, wherein the wide area network is configured to allow any interested entity to participate in the transaction as the third party.

The present invention is directed to a computer-implemented method for dynamically facilitating transactions in a wide area network. When the buyer's bid price and the seller's ask price are equal, the deal is consummated without third party facilitation. When the bid and ask price are separated by a spread, an interested third party is capable of acting as a deal facilitator. The third party facilitates the deal by transmitting an acceptance or a counteroffer to either the buyer or the seller, after receiving the bid price and the ask price. The interested third party is capable of dynamically participating in the pending transaction and making individualized decisions based on the current market and the individual consumer. The interested third party is dynamic and need not consist of a static entity. Walker 636, Walker 207 and their combination do not teach enabling the third party to dynamically facilitate consummation of the pending transaction between the first and second parties by transmitting a counteroffer from the third

party via the wide area network, after receiving the bid price and the ask price, wherein the wide area network is configured to allow any interested entity to participate in the transaction as the third party. Further, Walker 636, Walker 207 and their combination also do not teach selectively providing information relating to a plurality of bids on a transaction site to a third party.

Within the previous Office Action, the present invention is interpreted as a third party subsidy that is offered to close the deal between buyer and seller via a wide area network. Applicants respectfully disagree with this interpretation of the presently claimed invention. Walker 636 describes a scheme where the purchasing system device is given a combination of factors, including the maximum subsidy amount provided by a third party, the buyer offer, the seller settlement price, and a tolerable amount of monetary loss. [Walker 636, col. 37, lines 43-62] The purchasing system then determines whether a deal is possible. As taught, Walker 636's purchasing system device consists of an automation that is limited by the rules that are programmed. Walker 636 does not teach allowing a third party, to dynamically participate in an ongoing or pending transaction.

Within the Response to Arguments section, the position is taken within the previous Office Action that "open versus a more restricted participation is a business control decision driven by design incentives or market forces." [Office Action, page 2] The Applicants respectfully disagree with this very subjective conclusion. Further, this conclusion is reached with no rationale, basis or support given. It is not obvious from the teachings of Walker 636, Walker 207, Walker 129 and their combination to allow any interested entity to participate in a pending transaction between a buyer and a seller, as a third party, in order to facilitate consummation of the transaction. According to the teachings of Walker 636, Walker 207, Walker 129 and their combination, a transaction is only consummated if the transaction fits the rules set up previously within the system.

The independent Claim 1 is directed to a computer-implemented method for facilitating transactions in a wide area network. The method of Claim 1 comprises providing information relating to a transaction between a first party and a second party to a third party via the wide area network, the information including a first bid price associated with the first party and a first ask price associated with the second party and enabling the third party to dynamically facilitate consummation of the transaction between the first and second parties by transmitting a counteroffer or an acceptance from the third party via the wide area network after receiving the first bid price and the first ask price, and enabling the third party to cover at least part of a first difference between the first bid price and the first ask price, wherein the wide area network is

configured to allow any interested entity to participate in the transaction as the third party. As described above, neither Walker 636, Walker 207, Walker 129 nor their combination teach or make obvious enabling the third party to dynamically facilitate consummation of the transaction between the first and second parties by transmitting a counteroffer or an acceptance from the third party via the wide area network, after receiving the first bid price and the first ask price, wherein the wide area network is configured to allow any interested entity to participate in the transaction as the third party. Further, neither Walker 636, Walker 207, Walker 129 nor their combination teach or make obvious selectively providing information relating to a plurality of bids on a transaction site to a third party. For at least these reasons, the independent Claim 1 is patentable over the teachings of Walker 636, Walker 207, Walker 129 and their combination.

Claims 4, 6 and 12-24 are all dependent on the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Walker 636, Walker 207, Walker 129 and their combination. Accordingly, Claims 4, 6 and 12-24 are all also allowable as being dependent on an allowable base claim.

The independent Claim 25 is directed to a computer program product for facilitating transactions in a wide area network. The product of Claim 25 comprises at least one computer readable medium and computer program instructions stored in the at least one computer readable medium for causing at least one computer to provide information relating to a transaction between a first party and a second party to a third party via the wide area network, the information including a bid price associated with the first party and an ask price associated with the second party and enable the third party to dynamically facilitate consummation of the transaction between the first and second parties by transmitting a counteroffer or an acceptance from the third party via the wide area network after receiving the bid price and the ask price, and enabling the third party to cover at least part of a difference between the bid and ask prices, wherein the wide area network is configured to allow any interested entity to participate in the transaction as the third party. As described above, neither Walker 636, Walker 207, Walker 129 nor their combination teach or make obvious enabling the third party to dynamically facilitate consummation of the transaction between the first and second parties by transmitting a counteroffer from the third party via the wide area network after receiving the bid price and the ask price, wherein the wide area network is configured to allow any interested entity to participate in the transaction as the third party. Further, neither Walker 636, Walker 207, Walker 129 nor their combination teach or make obvious selectively providing information relating to a plurality of bids on a transaction site to a third party. For at least these reasons, the independent

Claim 25 is patentable over the teachings of Walker 636, Walker 207, Walker 129 and their combination.

The independent Claim 26 is directed to a method for facilitating transactions in a wide area network. The method of Claim 26 comprises selectively providing information relating to a plurality of bids on a transaction site to a third party via the wide area network, a first one of the bids involving a first party and a second party, the first bid including a bid price associated with the first party and an ask price associated with the second party, transmitting a response from the third party to one of either the first party or the second party via the wide area network, the response comprising a counteroffer or an acceptance covering at least part of a difference between the bid and ask prices, wherein the third party dynamically facilitates consummation of the transaction after receiving the bid price and the ask price, and notifying the other of the first party or the second party of the response via the wide area network, wherein the wide area network is configured to allow any interested entity to participate in the transaction as the third party. As described above, neither Walker 636, Walker 207, Walker 129 nor their combination teach or make obvious enabling the third party to dynamically facilitate consummation of the transaction between the first and second parties, after receiving the bid price and the ask price, by transmitting a counteroffer from the third party via the wide area network, wherein the wide area network is configured to allow any interested entity to participate in the transaction as the third party. Further, neither Walker 636, Walker 207, Walker 129 nor their combination teach or make obvious selectively providing information relating to a plurality of bids on a transaction site to a third party. For at least these reasons, the independent Claim 26 is patentable over the teachings of Walker 636, Walker 207, Walker 129 and their combination.

The independent Claim 27 is directed to a method for facilitating transactions in a wide area network. The method of Claim 27 comprises selectively providing information relating to a plurality of bids on a transaction site to a third party via the wide area network, a first one of the bids involving a first party and a second party, the first bid including a bid price associated with the first party and an ask price associated with the second party, transmitting a response from the third party to one of the first party or the second party via the wide area network, the response comprising a counteroffer covering at least part of a difference between the bid price and the ask price, wherein the third party dynamically facilitates consummation of the transaction after receiving the bid price and the ask price, and notifying the other of the first party or the second party of the counteroffer via the wide area network, wherein the wide area network is configured to allow any interested entity to participate in the transaction as the third party. As described

above, neither Walker 636, Walker 207, Walker 129 nor their combination teach or make obvious enabling the third party to dynamically facilitate consummation of the transaction between the first and second parties, after receiving the bid price and the ask price, by transmitting a counteroffer from the third party via the wide area network, wherein the wide area network is configured to allow any interested entity to participate in the transaction as the third party. Further, neither Walker 636, Walker 207, Walker 129 nor their combination teach or make obvious selectively providing information relating to a plurality of bids on a transaction site to a third party. For at least these reasons, the independent Claim 27 is patentable over the teachings of Walker 636, Walker 207, Walker 129 and their combination.

Claims 28-31 are all dependent on the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Walker 636, Walker 207, Walker 129 and their combination. Accordingly, Claims 28-31 are all also allowable as being dependent on an allowable base claim.
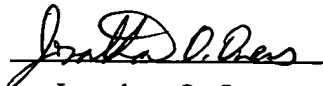
Rejections Under 35 U.S.C. § 103(a)

Within the previous Office Action, Claims 7-10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker 636 which incorporates Walker 207 in view of Walker 129 and further in view of U.S. Patent No. 5,710,887 to Chelliah (hereinafter "Chelliah"). Claims 7-10 are all dependent on the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Walker 636, Walker 207, Walker 129 and their combination. Accordingly, Claims 7-10 are all also allowable as being dependent on an allowable base claim.

For the reasons given above, the Applicant respectfully submits that Claims 1, 4 and 6-35 are all in condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, he is encouraged to call the undersigned at (408) 530-9700 to discuss them so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
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